

# **CITY COUNCIL AGENDA**

**OCTOBER 2, 2001**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

- **Call to Order and Roll Call**  
**9:30 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Members Chavez and LeZotte (both excused)**  
  
**1:35 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Member LeZotte (excused)**  
  
**7:05 p.m. - Public Hearings, Council Chambers, City Hall**  
**Absent: Council Member LeZotte (excused)**
- **Invocation (District 9)**  
**The Reverend Dave Bridgen, San José Police Chaplain, delivered the invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved with one addition: Item 2.7 Deferred to 10/09/01.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation declaring October 2001 as Employment of People with Disabilities Awareness Month. (Equality Assurance)  
**Joining Mayor Gonzales at the Podium were Disability Advisory Commission Co-Chair Jay Anne Benton and Commissioners Sandra Gouevia, Sally McCleod, Karl Vidt, Harold Cole, and Murrie Zlotziver. Commissioner Gouevia accepted the proclamation on behalf of the Disabled Community-At-Large.**
- 1.2 Presentation of the 2000-01 Community Service Award to the Department of Parks, Recreation and Neighborhood Services from the Berryessa Union School District. (City Manager's Office)  
**Joining Mayor Gonzales at the Podium were Council Member Reed, City Manager Borgsdorf and Director of Parks, Recreation and Neighborhood Services Mark Linder, who introduced Berryessa Union School District Superintendent Geraldine Harge, Deputy Director of Recreation and Community Services Jim Norman, Recreation Superintendent Art Rosales, and Community Services Supervisor Barbara Santos-George. On behalf of the Department of Parks, Recreation and Neighborhood Services, Director Mark Linder accepted the Certificate of Recognition of Partnership, which was presented by Geraldine Harge, in recognition of the outstanding service provided students of the Berryessa School District. In addition, Superintendent Harge exhibited the perpetual plaque on which the recipient's name is inscribed and displayed in the District Office.**

# **1 CEREMONIAL ITEMS**

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- 1.3** Presentation of a proclamation for Domestic Violence Awareness Month. (Dando)  
(Rules Committee referral 9/26/01)

**Council Member Dando joined Mayor Gonzales at the Podium and introduced Judge L. Edwards, Chair, and Lisa Green-Strickland, Vice-Chair of the County Council on Domestic Violence and Mayor Gonzales presented the proclamation. Council Member Dando displayed campaign posters, signs and banners, which will be strategically placed throughout the City, discouraging domestic violence and promoting awareness of programs that will stop domestic violence. She introduced members of the Domestic Violence Task Force, thanked them for their hard work, and asked them to stand and be recognized. She stated the City of San José's Family/Domestic Violence Prevention Task Force is a sponsor of the 4<sup>th</sup> Annual Elected and Public Officials Walk to End Domestic Violence and, in addition to a number of other organizations and sponsors that include Ronnie Lott's Allstars Helping Kids, City Year, the County of Santa Clara, the CyberRays, the San José Earthquakes, Santa Clara Cities Association, and the Valley Transportation Agency, invited all to participate in the 2-mile trek on Fri., Oct. 19<sup>th</sup>, 8:30 a.m. to Noon, starting at City Hall and ending at the San José Police Officers Association Hall on Fourth Street.**

- 1.4** City Manager Del D. Borgsdorf announced the appointment of José Obregon as the new Director of General Services, effective October 15, 2001, and commended Francis B. McVey for his exemplary performance as Acting Director of General Services.

# **2 CONSENT CALENDAR**

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- 2.1** Approval of Minutes.

(a) Regular meeting of June 5, 2001

**Approved.**

(b) Joint Council/Redevelopment meeting of June 5, 2001

**Approved.**

(c) Public Hearing on FY2001-2002 Budget Modifications – June 11, 2001

**Approved.**

(d) Regular meeting of June 12, 2001

**Approved.**

- 2.2** Final adoption of ordinances.

**None.**

## 2 CONSENT CALENDAR

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### 2.3 Adoption of a resolution approving the reorganization of Evergreen No. 185.

**Recommendation:** Adoption of a resolution authorizing the reorganization of territory designated as Evergreen No. 185, which involves the annexation to the City of San José of 2.51 gross acres of land, located at the east side of Ruby Avenue, approximately 52 feet northerly of Murillo Avenue, and the detachment of the same from the Central Fire Protection District and the Santa Clara County Library Services Area. CEQA: Negative Declaration. Council District 8. (Planning, Building, and Code Enforcement) (Deferred from 8/28/01 – Item 2.11)

**Deferral to 12/04/01.**

### 2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

**Recommendation:** Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Phelan Avenue Infrastructure Improvements with a net impact to the fund of \$33,000 and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements. (City Manager's Office)

**Ordinance No. 26486 adopted.**

**Resolution No. 70630 adopted.**

**Resolution No. 70631 adopted.**

### 2.5 Approval to amend an agreement for the Railcar Platforms and Cover Project.

**Recommendation:** Approval of:

- (a) Change Order No. 4 with Rushford Construction, Incorporated for the construction project entitled "San José/Santa Clara Water Pollution Control Plant, FY 1997/1998 Capital Improvement Program, Railcar Platforms and Cover Project," in an amount of \$68,526;
- (b) Increasing the project contingency by \$92,000 and thereby increasing the total contract amount from \$242,089 to \$334,089; and
- (c) Extending the completion date to December 15, 2001.

CEQA: Exempt. (Environmental Services)

**Approved.**

## 2 CONSENT CALENDAR

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### 2.6 Approval to award the purchase of electrical extensions for the Department of Conventions, Arts and Entertainment.

**Recommendation:** Report on bids and award the purchase to the low bidder, Nutech Industries, Inc., for electrical extensions with connections at a total cost of \$152,991.36, including tax, and authorization for the Director of General Services to execute the purchase order for the:

- (a) Immediate purchase of electrical connections with extensions, and
- (b) Subsequent purchase of additional items at the same bid price without further Council action other than the appropriation of necessary funds.

(General Services)

**Approved.**

### 2.7 Report on the East Side Union High School District's intent to dispose of a piece of surplus property.

**Recommendation:** Report on the East Side Union High School District's intent to dispose of a 13.08 acre piece of surplus property located at the southwest corner of Quimby Road and Arcade Avenue, and adoption of a resolution declaring interest in the acquisition of a portion of that property, and authorizing the City Manager to negotiate the acquisition. (Planning, Building and Code Enforcement)

(District 8)

**Deferred to 10/09/01.**

### 2.8 Approval to award a contract for the Central Service Yard Emergency Generator Project.

**Recommendation:** Report on bids and award of contract for the Central Service Yard Emergency Generator Project to the low bidder, Steiny and Co., Inc., in the amount of \$270,620, and approval of a contingency in the amount of \$30,000. CEQA: Negative Declaration. (Public Works)

**Approved.**

**END OF CONSENT CALENDAR**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.1 Report of the Study Session

**Mayor Gonzales, Chair**

**No Report.**

#### 3.2 Report of the Rules Committee – September 19, 2001

**Vice Mayor Shirakawa, Jr., Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**
- (b) City Council
  - (1) Review October 2, 2001 Draft Agenda  
**The Committee approved the October 2, 2001 City Council Agenda.**
  - (2) Add New Items to September 25, 2001 Amended Agenda
    - (a) Additions  
**The Committee recommended four additions to the September 25, 2001 City Council Agenda.**
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee
    - (b) Economic Development and Environmental Committee
    - (c) Education, Neighborhoods, Youth and Seniors Committee  
**None Presented.**
- (d) Meeting Schedules  
**The Committee expressed great concern that staff reports for important study sessions and other issues are not being distributed to Council in a timely manner.**
- (e) The Public Record  
**The Committee noted and filed the Public Record for the period September 5-11, 2001 and requested the Administration forward Item (a), a letter from the VEP Community Association, to the Economic Development and Environmental Committee.**
- (f) Boards, Commissions and Committees  
**None Presented.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee – September 19, 2001 – (Cont'd.)

**Vice Mayor Shirakawa, Jr., Chair**

(g) Council Referrals for Assignment to Appropriate Committee, Administration or Council Appointee

(1) Request to refer to the Policy Priority Setting Session the issue of providing discounted parking rates in regional parks for seniors and disabled

**The Committee directed the Administration to return to Rules Committee at the September 26, 2001 meeting with a workload assessment to provide discounted parking rates in regional parks for Veterans, seniors, and individuals with disabilities.**

(2) Request to adjust timelines leading to Employee Election to be held on Monday, November 26, 2001

**The Committee approved the amended timeline for the November 26, 2001 Employee Election and directed the City Clerk to distribute instructions with the Employee Election ballot which clearly state the election is advisory.**

(h) Administrative Reviews and Approval

(1) Request to use Council General funds by Council Member Linda J. LeZotte to attend the Urban Land Institute meeting in Boston, MA, October 2-5, 2001

**The Committee approved the use of Council General funds by Council Member LeZotte to attend the Urban Land Institute meeting in Boston, MA, October 2-5, 2001.**

(i) Oral Communications  
**None Presented.**

(j) Adjournment  
**The meeting was adjourned at 2:30 p.m.**

**The Rules Committee Report and actions of September 19, 2001 accepted.**

#### 3.3 Report of the Finance and Infrastructure Committee

**Council Member Dando, Chair**

**No Report.**



### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.4 Adoption of a resolution providing supplemental salary and benefits for employees who are called to active duty because of the terrorist attacks.**

**Recommendation:**

- (a) Adoption of a resolution providing supplemental salary and benefits for thirteen pay periods for those employees who are called to active duty because of the terrorist attacks on September 11, 2001, with an end date for eligibility for salary and benefits of December 31, 2002.

**Resolution No. 70632 adopted.**

- (b) That, as a part of the resolution, the City Council delegate authority to the City Manager or designee to sign agreements detailing the repayment requirements of the supplementary benefits with affected employees.

(City Manager's Office)

(Rules Committee referral 9/26/01)

**Approved.**

**Council approved the Staff's recommendation with the directive to submit a report on appropriateness of extending life insurance benefits to affected employees and to provide Council with a comparative analysis of current versus proposed benefits extended to employees called to active military duty.**

#### **3.5 Direction to the Administration to submit a letter to the CPUC opposing the shifting of state power costs to PG&E customers.**

**Recommendation:** Direction to the Administration to review the California Public Utilities Commission's (CPUC) proposal to shift at least \$500 million in California Department of Water Resources power costs to PG&E customers and submit a letter to the CPUC expressing the City of San José's strong opposition to the proposal.

(Dando, Reed)

(Rules Committee referral 9/26/01)

**Approved.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Economic Development & Environment Committee Council Member Williams, Chair**

**No Report.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.2 Public Hearing on the designation of various properties as historic landmarks.**

**Recommendation:** PUBLIC HEARING on and adoption of resolutions regarding the designation of the following properties as landmarks of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature:

- (a) Center for the Performing Arts, 241-271 Park Avenue  
**Deferred to 12/04/01.**
- (b) Commercial Building, 28 N. First Street  
**Resolution No. 70633 adopted.**
- (c) Knights of Columbus Building, 34-40 N. First Street  
**Resolution No. 70634 adopted.**
- (d) Farmer's Union Building, 151 W. Santa Clara Street  
**Deferred to 12/04/01.**
- (e) Realty Building, 19 N. Second Street  
**Resolution No. 70635 adopted.**
- (f) Masson Building, 161 W. Santa Clara Street  
**Deferred to 12/04/01.**
- (g) Porter Stock Building, 83-91 S. First Street  
**Resolution No. 70636 adopted.**
- (h) Sainte Claire Building, 301 S. First Street  
**Resolution No. 70637 adopted.**
- (i) Rucker House, 418 S. Third Street  
**Resolution No. 70638 adopted.**
- (j) Twohy Building, 200-210 S. First Street  
**Resolution No. 70639 adopted.**
- (k) Anglo-California National Bank (now named San José National Bank),  
101 W. Santa Clara Street  
**Resolution No. 70640 adopted.**
- (l) Pratt/Brackett House, 469 S. Third Street  
**Resolution No. 70641 adopted.**
- (m) Stern/Fischer House, 132 Pierce Street  
**Resolution No. 70642 adopted.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.2 Public Hearing on the designation of various properties as historic landmarks

**Recommendation:** PUBLIC HEARING on and adoption of resolutions regarding the designation of the following properties as landmarks of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature: (**Cont'd.**)

- (n) W. Prussia Building, 371 S. First Street  
**Resolution No. 70643 adopted.**
- (o) Wright/Bailey House, 312-314 S. Third Street  
**Deferred to 12/04/01.**
- (p) Pritchard/Renzel House, 524 S. Almaden Avenue  
**Resolution No. 70644 adopted.**
- (q) Sunol Building, 127-145 Post Street  
**Resolution No. 70645 adopted.**
- (r) Costa & Miller Building, 520 S. First Street  
**Deferred to 12/04/01.**

Council District 3. (Planning, Building and Code Enforcement)

**Council approved the Staff recommendation regarding the landmark designations and directed Staff to (1) prepare a map identifying current historic landmarks and locations and those properties for which a historic landmark designation is pending; (2) prepare a report on all projects in partnership with the Historic Landmarks Commission; (3) provide criteria used by the design group that surveyed the properties; (4) when the CPA is brought to Council, provide criteria used to qualify modern buildings and how they compete for historic landmark status, and (5) include the workplan and timeline.**

### 4.3 Approval of various actions related to the Betty Anne Gardens Family Apartments Development.

**Recommendation:**

- (a) Adoption of a resolution:
  - (1) Expressing its intent to issue up to \$11,000,000 in multifamily tax-exempt revenue bonds to finance the construction of the 76-unit Betty Anne Gardens family rental housing project located at 945 & 955 North King Road.
  - (2) Authorizing the Director of Housing to file an application with CDLAC for an allocation of up to \$11,000,000 in private activity bonds.

*This item continued on the next page.*

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of various actions related to the Betty Anne Gardens Family Apartments Development**

**Recommendation:**

- (a) Adoption of a resolution:
  - (3) Authorizing the Director of Housing to negotiate and execute a Deposit and Escrow Agreement with First Community Housing, a California nonprofit corporation, or its designated partnership, an affiliate First Community Housing, for the CDLAC Application for the Development.  
Council District 4. (Housing)  
(Deferred from 9/25/01 – Item 4.8)  
**Resolution No. 70646 adopted.**
- (b) Adoption of a resolution:
  - (1) Approving an increase to the existing acquisition/predevelopment loan by \$100,000, from \$2,491,630 to \$2,591,630 to First Community Housing, or its designated partnership, for the development of the 76-unit Betty Anne Gardens Family Apartments on a 4.11-acre site located at 945 and 955 North King Road.
  - (2) Approving business terms for a construction/permanent loan of up to \$5,129,744 to First Community Housing, or its designated partnership, for the development of the Betty Anne Gardens Family Apartments.  
Council District 4. (Housing)  
**Resolution No. 70647 adopted.**

### **4.4 Approval of various actions related to the Gadberry Court Senior Apartments Development.**

**Recommendation:** Adoption of a resolution approving business terms for a construction/permanent loan of up to \$3,600,000 to ROEM Development Corporation, or its designated partnership, for the development of a 55-unit senior housing development with 54 units affordable to senior households and one unrestricted manager's unit on a 1.07-acre site located on the north side of Alum Rock Avenue, on the block bounded by Highway 680 and Alexander Avenue. Council District 5. (Housing)  
**Dropped.**

### **4.5 Approval of various actions related to the El Paseo Studios Development.**

**Recommendation:** Adoption of a resolution approving business terms for a construction/permanent loan of up to \$4,019,475 to First Community Housing, or its designated partnership, for the development of a 98-unit studios development affordable to low-, very low- and extremely low-income households on approximately .50-acre site located at the easterly corner of Hamilton and Campbell Avenues. Council District 1. (Housing)  
**Resolution No. 70648 adopted.**

**4.6 Public Hearing and approval of various actions related to the Locust Street emergency housing development.**

**Recommendation:** Public Hearing and adoption of a resolution:

- (a) Approving a Disposition and Development Agreement between the City of San José and Emergency Housing Consortium, Inc., or its designated affiliate, including business terms for a conditional grant of up to \$1,000,000 of 20% Housing Funds for the acquisition of 0.3 acres of City-owned property located at 937-943 Locust Street, minor repairs to the triplex, and the rehabilitation the Single Room Occupancy building to provide emergency housing for up to 20 persons who are victims of fires or other disasters.
- (b) Finding that the use of 20% Housing Funds for development of the subject development is a benefit to the City's Redevelopment Areas.

Council District 3. SNI: Washington-Guadalupe. (Housing)

**Resolution No. 70649 adopted.**

**4.7 Approval of various actions related to the Monte Vista Gardens Senior Apartments, Phase II Development.**

**Recommendation:** Adoption of a resolution approving business terms for a construction loan of up to \$3,763,000 and a permanent loan of to \$3,923,000 to ROEM Development Corporation, and/or its designated partnership, for the development of a 49-unit senior housing development with 48 units affordable to senior households and one unrestricted manager's unit on a 1.24-acre site located on the west side of South Capitol Avenue, north of Lombard Avenue. Council District 5. SNI: 680 East Valley Communities. (Housing)

**Resolution No. 70650 adopted.**

**4.8 Approval of various actions related to the Rose Avenue Senior Apartments Development.**

**Recommendation:** Adoption of a resolution approving business terms for a construction loan of up to \$4,149,000 and a permanent loan of to \$4,633,000 to ROEM Development Corporation, or its designated partnership, for the development of a 66-unit senior housing development with 65 units affordable to senior households and one unrestricted manager's unit on a 1.35-acre site located at 3071 Rose Avenue between Capitol Avenue and South White Road. Council District 5. SNI: 680 East Valley Communities. (Housing)

**Dropped.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – September 17, 2001**

**Council Member Chavez, Chair**

- (a) Youth Commission Monthly Report  
**The report was accepted with two (2) members present.**
- (b) San José BEST Update  
**The Committee accepted the report with the directive to Staff to provide a report for each Council District with the following truancy information:**
  - **Raw Numbers, along with percentages**
  - **Number of truants by age and how many have learning disabilities, drug problems and/or mental health problems**
  - **Student profiles, by school**
  - **Types of programs offered**
  - **Amount of money lost by School Districts**
  - **What are best practices**
  - **Income levels of families**
- (c) Skate Park Update  
**The Committee accepted the Staff Report.**
- (d) Oral Petitions  
**None Presented.**
- (e) Adjournment  
**The meeting was adjourned at 2:45 p.m.**

**The Education, Neighborhoods Youth and Seniors Committee Report and actions of September 17, 2001 accepted.**

### **5.2 Acceptance of the Alum Rock Park Status Report.**

**Recommendation:** Acceptance of the Alum Rock Park Status Report.

(Parks, Recreation and Neighborhood Services)

(Deferred from 9/18/01 – Item 5.2)

**This Item Heard in the Evening.**

**Council approved the Staff recommendation for the development of a Capital Improvement Program project to restore the banks of the Penitencia Creek channel and landscape and refer same to the Fiscal Year 2002-2003 CIP process.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.3 Approval of the Bernal Park Master Plan Amendment.**

**Recommendation:** Approval of the Bernal Park Master Plan Amendment.  
CEQA: Mitigated Negative Declaration. Council District 3. (Public Works)  
**Approved.**

### **5.4 Approval to award a contract for the West Valley Branch Library Project.**

**Recommendation:** Report on bids and award of contract for the construction of the West Valley Branch Library Project to the low bidder, in an amount not to exceed \$5,650,000. CEQA: Negative Declaration. Council District 1. (Public Works)  
**Deferred to 10/16/01.**

### **5.5 Approval of the Selma Olinder Park Master Plan.**

**Recommendation:** Approval of the Selma Olinder Park Master Plan.  
CEQA: Negative Declaration. Council District 3. SNI: Brookwood Terrace.  
(Public Works/Parks, Recreation and Neighborhood Services)  
(Rules Committee referral 9/26/01)  
**This Item Heard in the Evening.**  
**Council approved the Selma Olinder Park Master Plan.**

## **6 TRANSPORTATION SERVICES**

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## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## **8 AVIATION SERVICES**

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## **9 PUBLIC SAFETY SERVICES**

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## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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### CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 10.1 IN A JOINT SESSION

#### 10.1 Adoption of resolutions by the City Council and Redevelopment Agency Board relative to the Civic Center Plaza Project.

**Recommendation:** Adoption of resolutions by the City Council and Redevelopment Agency Board approving fiscal actions relative to the Civic Center Plaza Project:

- (a) Adoption of resolutions by City Council and Agency Board approving the first amendment to the cooperation agreement between the City and Agency relative to the Civic Center Project providing for the repayment of the Agency by the City for the Civic Center site and Civic Center garage site; and
- (b) Adoption of a resolution by the Agency Board approving the reduction of \$5,850,000 to the Adopted FY 2001-2002 Capital Budget Civic Center Plaza – Infrastructure project line in the Civic Plaza Redevelopment Area; and
- (c) Adoption of a resolution by the Agency Board amending the FY 2001-2002 Agency appropriations resolution to reflect the reduction of the \$5,850,000.

(City Attorney's Office)

(Deferred from 9/25/01 – Item 10.1)

**Deferred to 10/09/01.**

### ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

| <u>Tract</u> | <u>Location</u>                              | <u>Council<br/>District</u> | <u>Developer</u>       | <u>Lots/<br/>Units</u> | <u>Type</u>    | <u>Proposed<br/>Decision</u> |
|--------------|--|-----------------------------|------------------------|------------------------|----------------|------------------------------|
| 9352         | N/s Hillsdale Ave.,<br>at Vistapark Dr.      | 7                           | KB Home<br>South Bay   | 127 units              | SFAR<br>& MFAR | Approve                      |
| 9369         | W/s of Keeble Ave.,<br>380 feet E/o Race St. | 6                           | Regis Homes            | 20 units               | SFAR           | Approve                      |
| 9372         | N/s of Berryessa Rd.                         | 4                           | Borelli<br>Investments | 8 lots                 | Industrial     | Approve                      |



- **Open Forum**  
**Pete Campbell suggested the acquisition of the River Corporate Center for a new City Hall to consolidate government offices.**
- **Following Open Forum, Council recessed at 2:50 p.m. and reconvened at 7:05 p.m. in Council Chambers, City Hall.**

## 11 PUBLIC HEARINGS

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### 11.1 Public Hearing on planned development rezoning at Meridian Avenue and Branham Lane.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Meridian Avenue and Branham Lane, from CP-Commercial Zoning District to A(PD) Planned Development Zoning District, to allow the addition of a carwash facility at an existing gas station site on 0.53 gross acre. (Mehdi Medhipour/Chevron, Owner/Developer). CEQA: Negative Declaration.

PDC 00-08-069 - District 9

(Continued from 8/14/01 – Item 11.10 and 9/4/01 – Item 11.3)

**Continued to 10/16/01.**

### 11.2 Public Hearing on planned development prezoning on Ruby Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located at the east side of Ruby Avenue, approximately 50 feet northerly of Murillo Avenue, from County to A(PD) Planned Development Zoning District, to allow up to 22,570 square feet for a new church sanctuary and associated classrooms on 2.61 gross acres. (Young Nak Presbyterian Church c/o K.B. Chung, Owner/Developer). CEQA: Negative Declaration.

PDC 00-04-024 - District 8

(Continued from 8/14/01 – Item 11.9 and 9/4/01 – Item 11.2)

**Continued to 12/04/01.**

### 11.3 Public Hearing on planned development rezoning of the north side of Broadway Avenue.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the north side of Broadway Avenue, approximately 190 feet northeasterly of Ramona Avenue, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the subdivision of one lot into two lots for construction of an additional single-family residence on 0.4 gross acre. (Emily Chen, Owner/Developer). CEQA: Negative Declaration.

PDC 00-02-014 - District 6

(Continued from 8/21/01 – Item 11.1)

**Dropped.**

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.

**Recommendation:** PUBLIC HEARING ON APPEAL of the Planning Commission's decision to approve a Conditional Use Permit for a project located at the northwest corner of Potrero Drive and Custer Drive, on a 0.82 gross acre site in the R-1-8 Residence Zoning District, to allow the installation of up to 6 wireless communications antennas atop an existing PG&E tower and the installation of an equipment shelter. (Pacific Gas and Electric, Owner; Verizon Wireless, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

CP 01-03-021 - District 9

(Continued from 9/18/01 – Item 11.3)

**Resolution No. 70651 adopted.**

**Council denied the appeal and granted the CUP with direction to the applicant to include the cyclone fence and improved landscaping to be worked out with the homeowners.**

### 11.5 Public Hearing on planned development rezoning of Balbach Street.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Balbach Street, 200 feet westerly of Market Street, from C-3 Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 12 attached dwelling units on 0.40 gross acre. (Des Nolan, Owner/Developer). CEQA: Resolution No. 68839. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-05-043 - District 3

(Continued from 6/5/01 – Item 11.8 et al., and 9/18/01 – Item 11.4)

**Ordinance No. 26487 passed for publication.**

**Council approved the PD rezoning subject to conditions contained in Council Member Chavez' 10/02/01 memorandum, and at the PD Permit phase to ensure development of the "craftsman" architectural details reflect the character of the neighborhood.**

### 11.6 Public Hearing on planned development rezoning of Bascom Avenue and Samaritan Drive.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at northeast corner of Bascom Avenue and Samaritan Drive, from CP Commercial Pedestrian Zoning District to A(PD) Planned Development Zoning District, to allow up to 70,500 square feet of medical offices and a five level, 525 space parking structure on 5.4 gross acres. (Samaritan Medical Center, c/o David Henderson, Owner/Developer). CEQA: Negative Declaration.

PDC 00-06-055 - District 9

**Continued to 10/16/01.**

## 11 PUBLIC HEARINGS

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### 11.7 Public Hearing on conforming rezoning of North Capitol Avenue.

**Recommendation:** PUBLIC HEARING ON CONFORMING REZONING of the property located at the southwest side of North Capitol Avenue, approximately 240 feet northerly of Berryessa Road (1155 North Capitol Avenue), from A(PD) Planned Development Zoning District to CG-Commercial General Zoning District, to allow commercial uses on 9.32 gross acres. (SYUFY Enterprises, Owner/Developer). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. CEQA: Resolution No. 65459  
C 01-01-003 - District 4

**Ordinance No. 26488 passed for publication.**

- **Open Forum**  
Walter Phillips spoke in opposition to the proposed City Hall location, scale and design.
- **Adjournment**  
The Council of the City of San José adjourned at 8:50 p.m. in memory of Murphy Sabatino, Sr., a community advocate, role model, and hero to many Italian-Americans.